

of the juvenile and the juvenile's parents

the

1 (b) If it appears to the court that disposition of the case may include placement  
2 of the juvenile outside the juvenile's home, the court shall order the juvenile's parent  
3 to provide a statement of ~~the juvenile's and the juvenile's parent's~~ income, assets,  
4 debts, and living expenses to the court or the designated agency under s. 938.33 (1)  
5 at least 5 days before the scheduled date of the dispositional hearing or as otherwise  
6 ordered by the court. The clerk of court shall provide, without charge, to any parent  
7 ordered to provide a the statement of income, assets, debts and living expenses a  
8 document setting forth the percentage standard established by the department of  
9 workforce development under s. 49.22 (9) and listing the factors that a court may  
10 consider under s. 301.12 (14) (c).

11 (c) If the court orders the juvenile's parent to provide a statement of income,  
12 assets, debts, and living expenses of the juvenile and juvenile's parent to the court  
13 or if the court orders the juvenile's parent to provide ~~that~~ the statement to the  
14 designated agency under s. 938.33 (1) and that the designated agency is not the  
15 county department, the court shall also order the juvenile's parent to provide ~~that~~ the  
16 statement to the county department at least 5 days before the scheduled date of the  
17 dispositional hearing or as otherwise ordered by the court. The county department  
18 shall provide, without charge, to the parent a form on which to provide ~~that~~ the  
19 statement, and the parent shall provide ~~that~~ the statement on ~~that~~ the form. The  
20 county department shall use the information provided in the statement to determine  
21 whether the department may claim federal foster care and adoption assistance  
22 reimbursement under 42 USC 670 to 679a for the cost of providing care for the  
23 juvenile.

plain  
space

stats, as affected by this bill

NOTE: See the note to s. 938.30 (6) (b) and (c) ~~in this draft~~.

24 **SECTION 323.** 938.315 (1) (intro.) of the statutes is amended to read:

(intro.)

1 938.315 (1) TIME PERIODS TO BE EXCLUDED. The following time periods shall be  
2 excluded in computing time requirements ~~within~~ under this chapter:

3 **SECTION 324.** 938.315 (1) (a) of the statutes is renumbered 938.315 (1) (a)  
4 (intro.) and amended to read:

5 938.315 (1) (a) (intro.) Any period of delay resulting from ~~other~~ any of the  
6 following:

7 1. Other legal actions concerning the juvenile, including an examination under  
8 s. 938.295 or a hearing related to the juvenile's mental condition, prehearing  
9 motions, waiver motions, and hearings on other matters.

10 **SECTION 325.** 938.315 (1) (b) of the statutes is renumbered 938.315 (1) (a) 2. and  
11 amended to read:

12 938.315 (1) (a) 2. ~~Any period of delay resulting from a~~ A continuance granted  
13 at the request of or with the consent of the juvenile and counsel.

14 **SECTION 326.** 938.315 (1) (c) of the statutes is renumbered 938.315 (1) (a) 3. and  
15 amended to read:

16 938.315 (1) (a) 3. ~~Any period of delay caused by the~~ The disqualification or  
17 substitution of a judge or by any other transfer of the case or intake inquiry to a  
18 different judge, intake worker or county.

19 **SECTION 327.** 938.315 (1) (d) of the statutes is renumbered 938.315 (1) (a) 4. and  
20 amended to read:

21 938.315 (1) (a) 4. ~~Any period of delay resulting from a~~ A continuance granted  
22 at the request of the representative of the public under s. 938.09 if the continuance  
23 is granted because of the unavailability of evidence material to the case when he or  
24 she has exercised due diligence to obtain the evidence and there are reasonable  
25 grounds to believe that the evidence will be available at the later date, or to allow him

1 or her additional time to prepare the case and additional time is justified because of  
2 the exceptional circumstances of the case.

3 **SECTION 328.** 938.315 (1) (dm) of the statutes is renumbered 938.315 (1) (a) 5.  
4 and amended to read:

5 938.315 (1) (a) 5. ~~Any period of delay resulting from court~~ Court congestion or  
6 scheduling.

7 **SECTION 329.** 938.315 (1) (e) of the statutes is renumbered 938.315 (1) (a) 6. and  
8 amended to read:

9 938.315 (1) (a) 6. ~~Any period of delay resulting from the~~ The imposition of a  
10 consent decree.

11 **SECTION 330.** 938.315 (1) (f) of the statutes is renumbered 938.315 (1) (a) 7. and  
12 amended to read:

13 938.315 (1) (a) 7. ~~Any period of delay resulting from the~~ The absence or  
14 unavailability of the juvenile.

15 **SECTION 331.** 938.315 (1) (fm) of the statutes is renumbered 938.315 (1) (a) 8.  
16 and amended to read:

17 938.315 (1) (a) 8. ~~Any period of delay resulting from the~~ The inability of the  
18 court to provide the juvenile with notice of an extension hearing under s. 938.365 due  
19 to the juvenile having run away or otherwise having made himself or herself  
20 unavailable to receive that notice.

21 **SECTION 332.** 938.315 (1) (h) of the statutes is renumbered 938.315 (1) (a) 9. and  
22 amended to read:

23 938.315 (1) (a) 9. ~~Any period of delay resulting from the~~ The need to appoint  
24 a qualified interpreter.

1           **SECTION 333.** 938.315 (1) (i) of the statutes is renumbered 938.315 (1) (a) 10.  
2           and amended to read:

3           938.315 (1) (a) 10. ~~Any period of delay resulting from consultation~~ Consultation  
4           under s. 938.24 (2r) or 938.25 (2g).

5           **SECTION 334.** 938.315 (2) (title), (2m) (title) and (3) (title) of the statutes are  
6           created to read:

7           938.315 (2) (title) CONTINUANCE FOR GOOD CAUSE.

8           (2m) (title) WHEN NO CONTINUANCE, EXTENSION, OR EXCLUSION PERMITTED.

9           (3) (title) CONSEQUENCES OF FAILURE TO COMPLY WITH TIME LIMIT.

10          **SECTION 335.** 938.32 (1) (title) of the statutes is created to read:

11          938.32 (1) (title) WHEN ORDERED; TERMS; VICTIMS' RIGHTS; PROCEDURES.

12          **SECTION 336.** 938.32 (1) (a) and (am) of the statutes are amended to read:

13          938.32 (1) (a) At any time after the filing of a petition for a proceeding relating  
14          to s. 938.12 or 938.13 and before the entry of judgment, the judge or circuit court  
15          commissioner<sup>Court</sup> may suspend the proceedings and place the juvenile under  
16          supervision in the juvenile's own home or present placement. The court may  
17          establish terms and conditions applicable to the parent, guardian, or legal custodian,  
18          and to the juvenile, including any of the conditions specified in subs. (1d), (1g), (1m),  
19          (1p), (1t), (1v), and (1x). The order under this section shall be known as a consent  
20          decree and must be agreed to by the juvenile; the parent, guardian, or legal  
21          custodian; and the person filing the petition under s. 938.25. If the consent decree  
22          includes any conditions specified in sub. (1g), the consent decree shall include  
23          provisions for payment of the services as specified in s. 938.361. The consent decree  
24          shall be reduced to in writing and be given to the parties.

1 (am) Before entering into a consent decree in a case in which the juvenile is  
2 alleged to be delinquent under s. 938.12 or to be in need of protection or services  
3 under s. 938.13 (12), the district attorney or corporation counsel shall, as soon as  
4 practicable but ~~in any event~~ before agreeing to the consent decree, offer all of the  
5 victims of the juvenile's alleged act who have so requested ~~the opportunity~~ an  
6 opportunity to confer with the district attorney or corporation counsel concerning the  
7 proposed consent decree. The duty to offer an opportunity to confer under this  
8 paragraph does not limit the obligation of the district attorney or corporation counsel  
9 to exercise his or her discretion concerning the handling of the proceeding against  
10 the juvenile.

11 **SECTION 337.** 938.32 (1) (b) 1. of the statutes is renumbered 938.32 (1) (b)  
12 (intro.) and amended to read:

13 938.32 (1) (b) (intro.) Before entering into a consent decree in a proceeding in  
14 which a juvenile is alleged to be delinquent under s. 938.12 or to be in need of  
15 protection or services under s. 938.13 (12), the all of the following shall occur:

16 1g. The court shall determine whether a victim of the juvenile's act wants to  
17 make a statement to the court. If a victim wants to make a statement, the court shall  
18 allow the victim to make a statement in court or to submit a written statement to be  
19 read to the court. The court may allow any other person to make or submit a  
20 statement under this subdivision. Any statement made under this subdivision must  
21 be relevant to the consent decree.

22 **SECTION 338.** 938.32 (1) (b) 1m. of the statutes is amended to read:

23 938.32 (1) (b) 1m. ~~Before entering into a consent decree in a proceeding in~~  
24 ~~which a juvenile is alleged to be delinquent under s. 938.12 or to be in need of~~  
25 ~~protection or services under s. 938.13 (12), the~~ The court shall inquire of the district

2 attorney or corporation counsel whether he or she has complied with par. (am),  
whether he or she has complied with subd. 2. and whether he or she has complied  
with s. 938.27 (4m), whether any of the known victims requested notice of the date,  
time, and place of any hearing to be held on the consent decree and, if so, whether  
the district attorney provided to the victim notice of the date, time, and place of the  
hearing.

**SECTION 339.** 938.32 (1) (b) 2. of the statutes is amended to read:

938.32 (1) (b) 2. ~~Before entering into a consent decree in a proceeding in which  
a juvenile is alleged to be delinquent under s. 938.12 or to be in need of protection  
or services under s. 938.13 (12), the~~ The district attorney or corporation counsel shall  
make a reasonable attempt to contact any known victim to inform that person of the  
right to make a statement under subd. 1. 1g. Any failure to comply with this  
subdivision is not a ground for discharge of the juvenile, parent, guardian, or legal  
custodian from fulfilling the terms and conditions of the consent decree.

**SECTION 340.** 938.32 (1) (c) 1. of the statutes is renumbered 938.32 (1) (c) 1.  
(intro.) and amended to read:

938.32 (1) (c) 1. (intro.) If at the time the consent decree is entered into the  
juvenile is placed outside the home under a voluntary agreement under s. 48.63 or  
is otherwise living outside the home without a court order and if the consent decree  
maintains the juvenile in that placement or other living arrangement, the consent  
decree shall include a all of the following:

a. A finding that placement of the juvenile in his or her home would be contrary  
to the welfare of the juvenile, ~~a.~~

b. A finding as to whether the county department or the agency primarily  
responsible for providing services to the juvenile has made reasonable efforts to

1 prevent the removal of the juvenile from the home, while assuring that the juvenile's  
2 health and safety are the paramount concerns, unless the judge court or circuit court  
3 commissioner finds that any of the circumstances specified in s. 938.355 (2d) (b) 1.  
4 to 4. applies, and a. court

5 c. A finding as to whether the county department or agency has made  
6 reasonable efforts to achieve the goal of the juvenile's permanency plan, unless  
7 return of the juvenile to the home is the goal of the permanency plan and the judge  
8 or circuit court commissioner finds that any of the circumstances specified in s.  
9 938.355 (2d) (b) 1. to 4. applies. court

10 SECTION 341. 938.32 (1) (c) 2. of the statutes is amended to read:

11 938.32 (1) (c) 2. If the judge or circuit court commissioner finds that any of the  
12 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,  
13 the consent decree shall include a determination that the county department or  
14 agency primarily responsible for providing services under the consent decree is not  
15 required to make reasonable efforts with respect to the parent to make it possible for  
16 the juvenile to return safely to his or her home. court

17 SECTION 342. 938.32 (1) (c) 3. and (d) of the statutes are amended to read:

18 938.32 (1) (c) 3. The judge or circuit court commissioner shall make the findings  
19 specified in subds. 1. and 2. on a case-by-case basis based on circumstances specific  
20 to the juvenile and shall document or reference the specific information on which  
21 those findings are based in the consent decree. A consent decree that merely  
22 references subd. 1. or 2. without documenting or referencing that specific  
23 information in the consent decree or an amended consent decree that retroactively  
24 corrects an earlier consent decree that does not comply with this subdivision is not  
25 sufficient to comply with this subdivision.

① (d) 1. If the judge or circuit court commissioner finds that any of the  
2 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,  
③ the judge or circuit court commissioner shall hold a hearing within 30 days after the  
4 date of that finding to determine the permanency plan for the juvenile. If a hearing  
5 is held under this subdivision, the The agency responsible for preparing the  
6 permanency plan shall file the permanency plan with the court not less than 5 days  
7 before the date of the hearing.

8 2. If a hearing is held under subd. 1., at At least 10 days before the date of the  
9 hearing under subd. 1., the court shall notify the juvenile, any parent, guardian, and  
10 legal custodian of the juvenile, and any foster parent, treatment foster parent, or  
11 other physical custodian described in s. 48.62 (2) of the juvenile of the time, place,  
12 and purpose of the hearing.

13 3. The court shall give a foster parent, treatment foster parent, or other  
14 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.  
15 2. an opportunity to be heard at the hearing by permitting the foster parent,  
16 treatment foster parent, or other physical custodian to make a written or oral  
17 statement during the hearing, or to submit a written statement prior to the hearing,  
18 relevant to the issues to be determined at the hearing. A The foster parent,  
19 treatment foster parent, or other physical custodian who receives a notice of a  
20 hearing under subd. 2. and an opportunity to be heard under this subdivision does  
21 not become a party to the proceeding on which the hearing is held solely on the basis  
22 of receiving that the notice and having the opportunity to be heard.

23 **SECTION 343.** 938.32 (1d) of the statutes is amended to read:

24 938.32 (1d) VOLUNTEERS IN PROBATION PROGRAM. If the petition alleges that the  
25 juvenile has committed an act that would constitute a misdemeanor if committed by



an adult, if the chief judge of the judicial administrative district has approved under s. 973.11 (2) a volunteers in probation program established in the juvenile's county of residence, and if the judge or circuit court commissioner determines that volunteer supervision under that volunteers in probation program will likely benefit the juvenile and the community, the judge or circuit court commissioner may establish as a condition under sub. (1) that the juvenile be placed with that volunteers in probation program under such conditions as that the judge or circuit court commissioner determines are reasonable and appropriate. These The conditions may include, but need not be limited to, any of the following:

(a) A directive to a volunteer to provide be a role model for the juvenile a role model, informal counseling, general monitoring, and monitoring of the conditions established by the judge or circuit court commissioner, or any combination of these functions.

(b) Any other conditions that the judge or circuit court commissioner may establish PLAIN SPACE under this section.

**SECTION 344.** 938.32 (1g) (intro.) and (b) of the statutes are amended to read:

**938.32 (1g) ALCOHOL OR OTHER DRUG ABUSE TREATMENT AND EDUCATION.** (intro.)

If the petition alleges that the juvenile committed a violation specified under ch. 961 and if the multidisciplinary screen conducted under s. 938.24 (2) shows that the juvenile is at risk of having needs and problems related to the use of alcohol beverages, controlled substances or controlled substance analogs and its medical, personal, family and social effects, the judge or circuit court commissioner may establish as a condition under sub. (1) any of the following:

(b) That the juvenile participate in a court-approved pupil assistance program provided by the juvenile's school board or a court-approved alcohol or other drug

1 abuse education program. The juvenile's participation in a court-approved pupil  
2 assistance program ~~under this paragraph~~ is subject to the approval of the juvenile's  
3 school board.

4 **SECTION 345.** 938.32 (1m) (intro.), (a) and (c) of the statutes are amended to  
5 read:

6 938.32 (1m) TEEN COURT PROGRAM (intro.) The judge or circuit court  
7 commissioner may establish as a condition under sub. (1) that the juvenile be placed  
8 in a teen court program if all of the following conditions apply:

9 (a) The chief judge of the judicial administrative district has approved a teen  
10 court program established in the juvenile's county of residence and the judge or  
11 circuit court commissioner determines that participation in the teen court program  
12 will likely benefit the juvenile and the community.

13 (c) The juvenile admits or pleads no contest in open court, with in the presence  
14 of the juvenile's parent, guardian or legal custodian present, to the allegations that  
15 the juvenile committed the delinquent act.

16 **SECTION 346.** 938.32 (1r) of the statutes is amended to read:

17 938.32 (1r) ALCOHOL AND OTHER DRUG ABUSE TREATMENT; INFORMED CONSENT. If  
18 the conditions of the consent decree provide for an alcohol and other drug abuse  
19 outpatient treatment program under sub. (1g) (a), the juvenile or, if the juvenile has  
20 not attained the age of 12 years of age, the juvenile's parent, guardian or legal  
21 custodian shall execute an informed consent form that indicates that they are  
22 voluntarily and knowingly entering into a consent decree for the provision of alcohol  
23 and other drug abuse outpatient treatment.

24 **SECTION 347.** 938.32 (1p) of the statutes is amended to read:

Inst at 161-15

938.32 (1p) PARTICIPATION IN YOUTH REPORT CENTER. The judge or juvenile court

commissioner<sup>court</sup> may establish as a condition under sub. (1) that the juvenile report to a youth report center after school, in the evening, on weekends, on other nonschool days, or at any other time that the juvenile is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center. Section 938.34 (5g) applies to any community service work performed by a juvenile under this subsection.

SECTION 348. 938.32 (1t) (a) 1., 1m. and 3. and (b) of the statutes are amended

to read:

938.32 (1t) RESTITUTION. (a) 1. Subject to subd. 3., if the petition alleges that the juvenile committed a delinquent act that has resulted in damage to the property of another, or in actual physical injury to another excluding pain and suffering, the judge or circuit court commissioner<sup>no scoring</sup> may require the juvenile as a condition of the consent decree, to repair the damage to property or to make reasonable restitution for the damage or injury, either in the form of cash payments or, if the victim agrees, the performance of services for the victim, or both, if the judge or circuit court commissioner<sup>court</sup>, after taking into consideration the well-being and needs of the victim, considers it beneficial to the well-being and behavior of the juvenile. Any consent decree that includes a condition of restitution by a juvenile shall include a finding that the juvenile alone is financially able to pay or physically able to perform the services, may allow up to the date of the expiration of the consent decree for the payment or for the completion of the services<sup>plan</sup> and may include a schedule for the performance and completion of the services. ~~Objection by~~ If the juvenile objects to the amount of damages claimed shall ~~entitle the juvenile to~~, a hearing ~~on the question of damages shall be held to determine the amount of damages before the an~~

91 SEC. #. CR; 938.32 (1t) (title)

91 938.32 (1t) (title)

1 amount of restitution is made part of the consent decree. Any recovery under this  
2 subdivision shall be reduced by the amount recovered as restitution for the same act  
3 under subd. 1m.

4 1m. If the petition alleges that the juvenile has committed a delinquent act that  
5 has resulted in damage to the property of another, or in actual physical injury to  
6 another excluding pain and suffering, the ~~judge or circuit court commissioner~~ <sup>Court</sup> may  
7 require a parent who has custody, as defined in s. 895.035 (1), of the juvenile, as a  
8 condition of the consent decree, to make reasonable restitution for the damage or  
9 injury. Except for recovery for retail theft under s. 943.51, the maximum amount of  
10 any restitution ordered under this subdivision for damage or injury resulting from  
11 any one act of a juvenile or from the same act committed by 2 or more juveniles in  
12 the custody of the same parent may not exceed \$5,000. Any consent decree that  
13 includes a condition of restitution by a parent ~~who has custody of the juvenile under~~  
14 this subdivision shall include a finding that the parent ~~who has custody of the~~  
15 ~~juvenile~~ is financially able to pay the amount ordered and may allow up to the date  
16 of the expiration of the consent decree for the payment. ~~Objection by~~ If the parent  
17 objects to the amount of damages claimed ~~shall entitle the parent to, a hearing on~~  
18 ~~the question of damages shall be held to determine the amount of damages before the~~  
19 an amount of restitution is made part of the consent decree. Any recovery under this  
20 subdivision shall be reduced by the amount recovered as restitution for the same act  
21 under subd. 1.

22 3. Under this paragraph, a ~~judge or circuit court commissioner~~ <sup>Court</sup> may not order  
23 a juvenile who is under 14 years of age to make not more than \$250 in restitution or  
24 to perform not more than 40 total hours of services for the victim as total restitution  
25 under the consent decree.

*be ordered to* *stats.*  
NOTE: Clarifies, in s. 938.32 (1t) (a) 3., that a juvenile under 14 years of age may not make more than \$250 in restitution or perform more than 40 hours of service as total restitution for each consent decree.

1 (b) The judge court may require the juvenile to participate in a supervised work  
2 program or other community service work under s. 938.34 (5g) as a condition of the  
3 consent decree. *court*

4 **SECTION 349.** 938.32 (1v) and (1x) of the statutes are amended to read:

5 938.32 (1v) PARENTAL SCHOOL ATTENDANCE. If the petition alleges that the  
6 juvenile is in need of protection or services under s. 938.13 (6), the judge or circuit  
7 ~~court~~ commissioner may establish require as a condition under sub. (1), that the  
8 juvenile's parent, guardian, or legal custodian attend school with the juvenile.

9 (1x) SUPERVISED WORK PROGRAM. If the petition alleges that the juvenile violated  
10 s. 943.017 and the juvenile has attained the minimum age at which a juvenile may  
11 be adjudicated delinquent 10 years of age, the judge or circuit ~~court~~ commissioner *court*  
12 may require, as a condition of the consent decree, that the juvenile participate for not  
13 less than 10 hours nor more than 100 hours in a supervised work program under s.  
14 938.34 (5g) or perform not less than 10 hours nor more than 100 hours of other  
15 community service work, except that if the juvenile has not attained 14 years of age  
16 the maximum number of hours is a total of 40 under the consent decree.

*be ordered to* *stats.*  
NOTE: Clarifies, in s. 938.32 (1x), that a juvenile under 14 years of age may not participate in more than 40 hours in a supervised work program or perform more than 40 hours of community service work in total for each consent decree.

17 **SECTION 350.** 938.32 (2) (title) of the statutes is created to read:

18 938.32 (2) (title) TIME PERIOD FOR CONSENT DECREE; EXTENSION.

19 **SECTION 351.** 938.32 (2) (a), (3) and (4) of the statutes are amended to read:

1 938.32 (2) (a) A consent decree shall remain in effect for up to one year unless  
2 the juvenile, parent, guardian<sup>(2)</sup> or legal custodian is discharged sooner by the judge  
3 or circuit ~~court~~ commissioner. ~~Court~~

4 (3) FAILURE TO FOLLOW: OBJECTION TO CONTINUANCE CONSENT DECREE. If, prior to  
5 discharge by the court, or to the expiration of the consent decree, the court finds that  
6 the juvenile or parent, legal guardian, or legal custodian has failed to fulfill the  
7 express terms and conditions of the consent decree or that the juvenile objects to the  
8 continuation of the consent decree, the hearing under which the juvenile was placed  
9 on supervision may be continued to conclusion as if the consent decree had never  
10 been entered.

11 (4) DISCHARGE BY COURT OR COMPLETION OF SUPERVISION. No A juvenile who is  
12 discharged by the court or who completes the period of supervision without  
13 reinstatement of the original petition may again not be proceeded against in any  
14 court for the same offense alleged in the petition or an offense based on the same  
15 conduct, and the original petition shall be dismissed with prejudice. ~~Nothing in this~~  
16 This subsection precludes does not preclude a civil suit against the juvenile or parent  
17 for damages arising from the juvenile's conduct.

18 **SECTION 352.** 938.32 (5) (title) of the statutes is created to read:

19 938.32 (5) (title) RECUSAL FROM SUBSEQUENT PROCEEDINGS.

20 **SECTION 353.** 938.32 (5) (a) and (6) of the statutes are amended to read:

21 938.32 (5) (a) The court refuses to enter into a consent decree and, the  
22 allegations in the petition remain to be decided ~~in a hearing where~~, and the juvenile  
23 denies the allegations of delinquency.

24 (6) NOTICE TO JUVENILE OF RIGHT TO OBJECT TO CONTINUATION. The judge or circuit  
25 ~~court~~ commissioner shall inform the juvenile and the juvenile's parent, guardian, or

1 legal custodian, in writing, of the juvenile's right to object to the continuation of the  
2 consent decree under sub. (3) and of the fact that the hearing under which the  
3 juvenile was placed on supervision may be continued to conclusion as if the consent  
4 decree had never been entered.

5 **SECTION 354.** 938.33 (1) (intro.), (b), (c) and (f) of the statutes are amended to  
6 read:

7 938.33 (1) REPORT REQUIRED. (intro.) Before the disposition of a juvenile  
8 adjudged to be delinquent or in need of protection or services, the court shall  
9 designate an agency, as <sup>PLAIN SPACE</sup> defined in s. 938.38 (1) (a), to submit a report ~~which shall~~  
10 ~~contain~~ that contains all of the following:

11 (b) A recommended plan of rehabilitation or treatment and care for the juvenile  
12 ~~which is~~, based on the investigation conducted by the agency and any report  
13 resulting from an examination or assessment under s. 938.295, ~~which~~ that employs  
14 the most effective means available to accomplish the objectives of the plan.

15 (c) A description of the specific services or continuum of services ~~which~~ that the  
16 agency is recommending ~~that the court to~~ order for the juvenile or family, the persons  
17 or agencies that would be primarily responsible for providing those services, and the  
18 identity of the person <sup>(plan)</sup> ~~or~~ agency that would provide case management or  
19 coordination of services, ~~if any,~~ <sup>delete comma</sup> and whether or not the juvenile should receive an  
20 integrated service plan.

21 (f) If the agency is recommending that the court order the juvenile's parent,  
22 guardian, or legal custodian to participate in mental health treatment, anger  
23 management, individual or family counseling, or parent training and education, a  
24 statement as to the availability of those services and ~~as to~~ the availability of funding  
25 for those services.

1           **SECTION 355.** 938.33 (3) (intro.) and (a) of the statutes are amended to read:

2           938.33 (3) CORRECTIONAL PLACEMENT REPORTS. (intro.) A report recommending  
3 placement of a juvenile in a secured juvenile correctional facility, ~~a secured child~~  
4 ~~earing institution~~ or a secured group home residential care center for children and  
5 youth shall be in writing, except that the report may be presented orally at the  
6 dispositional hearing if the juvenile and the juvenile's counsel consent. A report that  
7 is presented orally shall be transcribed and made a part of the court record. In  
8 addition to the information specified under sub. (1) (a) to (d), the report shall include  
9 all of the following:

10           (a) A description of any less restrictive alternatives that are available and that  
11 have been considered, and why they have been determined to be inappropriate. If  
12 the ~~judge~~ court has found that any of the conditions specified in s. 938.34 (4m) (b) 1.,  
13 2., or 3. applies, the report shall indicate that a less restrictive alternative than  
14 placement in a secured juvenile correctional facility, ~~a secured child-earing~~  
15 ~~institution~~ or a secured group home residential care center for children and youth  
16 is not appropriate.

17           **SECTION 356.** 938.33 (3r) of the statutes is amended to read:

18           938.33 (3r) SERIOUS JUVENILE OFFENDER REPORT. If a juvenile has been  
19 adjudicated delinquent for committing a violation for which the juvenile may be  
20 placed in the serious juvenile offender program under s. 938.34 (4h) (a), the report  
21 shall be in writing and, in addition to the information specified in sub. (1) and in sub.  
22 (3) or (4), if applicable, shall include an analysis of the juvenile's suitability for  
23 placement in the serious juvenile offender program under s. 938.34 (4h) or in a  
24 secured juvenile correctional facility ~~or a secured group home~~ under s. 938.34 (4m),  
25 a placement specified in s. 938.34 (3), or placement in the juvenile's home with



1 supervision and community-based programming and a recommendation as to the  
2 type of placement for which the juvenile is best suited.

3 **SECTION 357.** 938.33 (4m) (intro.) of the statutes is amended to read:

4 938.33 (4m) SUPPORT RECOMMENDATIONS; INFORMATION TO PARENTS. (intro.) In  
5 making a recommendation for an amount of child support under sub. (3) or (4), the  
6 agency shall consider the factors ~~that the court considers~~ under s. 301.12 (14) (c) for  
7 ~~deviation from the percentage standard~~. At or before the dispositional hearing under  
8 s. 938.335, the agency shall provide the juvenile's parent with all of the following:

9 **SECTION 358.** 938.335 (1) of the statutes is amended to read:

10 938.335 (1) WHEN REQUIRED. The court shall conduct a hearing to determine  
11 the disposition of a case in which a juvenile is adjudged to be delinquent under s.  
12 938.12, to have violated a civil law or ordinance under s. 938.125, or to be in need of  
13 protection or services under s. 938.13, except that the court shall proceed ~~as provided~~  
14 in under s. 938.237 (2) if a citation is issued and the juvenile fails to contest the  
15 citation.

16 **SECTION 359.** 938.335 (3) (title) of the statutes is created to read:

17 938.335 (3) (title) EVIDENCE AND RECOMMENDATIONS.

18 **SECTION 360.** 938.335 (3g) of the statutes is renumbered 938.335 (3g) (intro.)  
19 and amended to read:

20 938.335 (3g) REASONABLE EFFORTS FINDING. (intro.) At hearings under this  
21 section, if the agency, as defined in s. 938.38 (1) (a), is recommending placement of  
22 the juvenile in a foster home, treatment foster home, group home, or residential care  
23 center for children and youth <sup>2</sup> or in the home of a relative other than a parent, the  
24 agency shall present as evidence specific information showing ~~that continued~~ all of  
25 the following:

1           (a) That continued placement of the juvenile in his or her home would be  
2       contrary to the welfare of the juvenile, ~~specific information showing that the.~~

3           (b) That the county department or the agency primarily responsible for  
4       providing services to the juvenile has made reasonable efforts to prevent the removal  
5       of the juvenile from the home, while assuring that the juvenile's health and safety  
6       are the paramount concerns, unless any of the circumstances specified in s. 938.355  
7       (2d) (b) 1. to 4. applies, ~~and specific information showing that the.~~

8           (c) That the county department or agency has made reasonable efforts to  
9       achieve the goal of the juvenile's permanency plan, unless return of the juvenile to  
10      the home is the goal of the permanency plan and any of the circumstances specified  
11      in s. 938.355 (2d) (b) 1. to 4. applies.

12           **SECTION 361.** 938.335 (3m) (title) of the statutes is created to read:

13           938.335 (3m) (title) VICTIMS' STATEMENTS.

14           **SECTION 362.** 938.335 (3m) (a) of the statutes is renumbered 938.335 (3m)  
15       (intro.) and amended to read:

16           938.335 (3m) (intro.) Before imposing a disposition in a proceeding in which  
17       a juvenile is adjudged to be delinquent under s. 938.12 or is found to be in need of  
18       protection or services under s. 938.13 (12), the all of the following shall occur:

19           (ag) The court shall determine whether a victim of the juvenile's act wants to  
20       make a statement to the court. If a victim wants to make a statement, the court shall  
21       allow the victim to make a statement in court or to submit a written statement to be  
22       read to the court. The court may allow any other person to make or submit a  
23       statement under this paragraph. Any statement made under this paragraph must  
24       be relevant to the disposition.

25           **SECTION 363.** 938.335 (3m) (am) of the statutes is amended to read:

1           938.335 (3m) (am) ~~Before imposing a disposition in a proceeding in which a~~  
2 ~~juvenile is adjudged to be delinquent under s. 938.12 or is found to be in need of~~  
3 ~~protection or services under s. 938.13 (12), the~~ The court shall inquire of the district  
4 attorney or corporation counsel whether he or she has complied with par. (b) and  
5 ~~whether he or she has complied with s. 938.27 (4m), whether any of the known~~ (2)  
6 ~~victims requested notice of the date, time, and place of the dispositional hearing and,~~  
7 if so, whether the district attorney or corporation counsel provided to the victim  
8 notice of the date, time, and place of the hearing.

9           **SECTION 364.** 938.335 (3m) (b) of the statutes is amended to read:

10           938.335 (3m) (b) ~~After a finding that a juvenile is delinquent under s. 938.12~~  
11 ~~or is found to be in need of protection or services under s. 938.13 (12), the~~ The district  
12 attorney or corporation counsel shall make a reasonable attempt to contact any  
13 known victim to inform that person of the right to make a statement under par. (a)  
14 ~~(ag).~~ Any failure to comply with this paragraph is not a ground for an appeal of a  
15 dispositional order or for any court to reverse or modify a dispositional order.

16           **SECTION 365.** 938.335 (3r) (title), (4) (title) and (5) (title) of the statutes are  
17 created to read:

18           938.335 (3r) (title) CHILD SUPPORT.

19           (4) (title) TESTIMONY BY TELEPHONE OR LIVE AUDIOVISUAL MEANS.

20           (5) (title) DISPOSITIONAL ORDER.

21           **SECTION 366.** 938.34 (2) (a) and (b) of the statutes are amended to read:

22           938.34 (2) ~~SUPERVISION.~~ (a) Place the juvenile under the supervision of an  
23 agency, the department, if the department approves, or a suitable adult, including  
24 a friend of the juvenile, under conditions prescribed by the court, including

1 reasonable rules for the juvenile's conduct, designed for the physical, mental, and  
2 moral well-being and behavior of the juvenile.

3 (b) If the juvenile is placed in the juvenile's home under the supervision of an  
4 agency or the department, order the agency or department to provide specified  
5 services to the juvenile and the juvenile's family, ~~which may include but are not~~  
6 ~~limited to~~ including individual, family, or group counseling, homemaker or parent  
7 aide services, respite care, housing assistance, day care, or parent skills training.

8 **SECTION 367.** 938.34 (2g) (intro.) and (a) of the statutes are amended to read:

9 938.34 **(2g)** VOLUNTEERS IN PROBATION PROGRAM. (intro.) If the juvenile is  
10 adjudicated delinquent for the commission of an act that would constitute a  
11 misdemeanor if committed by an adult, if the chief judge of the judicial  
12 administrative district has approved under s. 973.11 (2) a volunteers in probation  
13 program established in the juvenile's county of residence, and if the court determines  
14 that volunteer supervision under that ~~volunteers in probation~~ program will likely  
15 benefit the juvenile and the community, ~~placement of place~~ place the juvenile with ~~that the~~  
16 volunteers in probation program under ~~such~~ conditions as the court determines are  
17 reasonable and appropriate. These conditions may include, ~~but need not be limited~~  
18 ~~to,~~ any of the following:

19 (a) A directive to a volunteer to ~~provide~~ be a role model for the juvenile ~~a role~~  
20 ~~model~~, informal counseling, general monitoring and, ~~on~~ on monitoring of the conditions  
21 established by the court, or any combination of these functions.

22 **SECTION 368.** 938.34 (2m) (a) and (c) of the statutes are amended to read:

23 938.34 **(2m)** (a) The chief judge of the judicial administrative district has  
24 approved a teen court program established in the juvenile's county of residence and

1 the judge court determines that participation in the teen court program will likely  
2 benefit the juvenile and the community.

3 (c) The juvenile admits or pleads no contest in open court, with in the presence  
4 of the juvenile's parent, guardian, or legal custodian present, to the allegations that  
5 the juvenile committed the delinquent act.

6 **SECTION 369.** 938.34 (3) (a), (b) and (e) of the statutes are amended to read:

7 938.34 (3) (a) The home of a parent or other relative of the juvenile, except that  
8 the court may not designate the home of a parent or other relative of the juvenile as  
9 the juvenile's placement if the parent or other relative has been convicted ~~under s.~~  
10 ~~940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree~~  
11 ~~intentional~~ of the homicide, of a parent of the juvenile under s. 940.01 or 940.05, and  
12 the conviction has not been reversed, set aside, or vacated, unless the court  
13 determines by clear and convincing evidence that the placement would be in the best  
14 interests of the juvenile. The court shall consider the wishes of the juvenile in  
15 making that determination.

16 (b) The home of a person who is not required to be licensed if placement is for  
17 less than 30 days, except that the court may not designate the home of a person who  
18 is not required to be licensed as the juvenile's placement if the person has been  
19 convicted ~~under s. 940.01 of the first-degree intentional homicide, or under s. 940.05~~  
20 ~~of the 2nd-degree intentional~~ of the homicide, of a parent of the juvenile under s.  
21 940.01 or 940.05, and the conviction has not been reversed, set aside, or vacated,  
22 unless the court determines by clear and convincing evidence that the placement  
23 would be in the best interests of the juvenile. The court shall consider the wishes of  
24 the juvenile in making that determination.

(e) An independent living situation effective on or after the juvenile's 17th birthday, either alone or with friends, under such supervision as the court considers appropriate, but only if the juvenile is of sufficient maturity and judgment to live independently and only upon proof of a reasonable plan for supervision by an appropriate person or agency.

SECTION 370. 938.34 (4d) of the statutes is amended to read:

938.34 (4d) ~~TYPE 2 CHILD-CARING INSTITUTION RESIDENTIAL CARE CENTER FOR CHILDREN AND YOUTH PLACEMENT~~ (intro.) Place the juvenile in a Type 2 child-caring institution residential care center for children and youth under the supervision of the county department and subject to Type 2 status, as described in s. 938.539, but only if all of the following apply:

(a) The juvenile has been found to be delinquent for the commission of an act ~~which if committed by an adult~~ would be punishable by a sentence of 6 months or more if committed by an adult.

(b) The juvenile has been found to be a danger to the public and to be in need of restrictive custodial treatment. If the judge court determines that any of the conditions specified in sub. (4m) (b) 1., 2., or 3. applies, but that placement in the serious juvenile offender program under sub. (4h) or in a secured juvenile correctional facility under sub. (4m) would not be appropriate, that determination shall be prima facie evidence that the juvenile is a danger to the public and in need of restrictive custodial treatment under this subsection.

SECTION 371. 938.34 (4h) (a) and (b) of the statutes are amended to read:

938.34 (4h) (a) The juvenile is 14 years of age or over and has been adjudicated delinquent for committing or conspiring to commit a violation of s. ~~939.31~~, 939.32 (1) (a), 940.03, 940.06, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02,

1 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1), 948.025 (1), or 948.30 (2) or attempting  
2 a violation of s. 943.32 (2) or the juvenile is 10 years of age or over and has been  
3 adjudicated delinquent for attempting or committing a violation of s. 940.01 or for  
4 committing a violation of 940.02 or 940.05. (stats.)

NOTE: 1. Clarifies that, in s. 938.34 (4h) (a), conspiracy to commit an offense [s. 939.31, stats.] means conspiracy to commit an offense listed as a serious juvenile offender offense.

2. Adds to s. 938.34 (4h) (a) attempted armed robbery and 2nd degree reckless homicide as serious juvenile offender offenses.

5 (b) The judge court finds that the only other disposition that ~~would be~~ is  
6 appropriate for the juvenile ~~would be~~ is placement of the juvenile in a secured  
7 juvenile correctional facility under sub. (4m). MOVE

8 **SECTION 372.** 938.34 (4m) (intro.), (a) and (b) (intro.) of the statutes are  
9 amended to read:

10 938.34 (4m) CORRECTIONAL PLACEMENT. (intro.) Place the juvenile in a secured  
11 juvenile correctional facility or a secured ~~child caring institution~~ residential care  
12 center for children and youth under the supervision of the department ~~or in a secured~~  
13 ~~group home under the supervision of a county department if the juvenile is 12 years~~  
14 ~~of age or over or, if the juvenile is under 12 years of age, in a secured child caring~~  
15 ~~institution under the supervision of the department or in a secured group home~~  
16 ~~under the supervision of a county department, unless the department, after an~~  
17 ~~examination under s. 938.50, determines that placement in a secured correctional~~  
18 ~~facility is more appropriate, but only if all of the following apply:~~

NOTE: Permits the court, under s. 938.34 (4m) (intro.), to place a juvenile in either  
a juvenile correctional facility or a secure residential care center for children and youth.  
Does not specify age requirements for either placement. (stats.)

MOVE  
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1 (a) The juvenile has been found to be delinquent for the commission of an act  
2 ~~which if committed by an adult~~ that would be punishable by a sentence of 6 months  
3 or more if committed by an adult.

4 (b) (intro.) The juvenile has been found to be a danger to the public and to be  
5 in need of restrictive custodial treatment. If the ~~judge~~ court determines that any of  
6 the following conditions applies, but that placement in the serious juvenile offender  
7 program under sub. (4h) ~~would~~ is not be appropriate, that determination shall be  
8 prima facie evidence that the juvenile is a danger to the public and in need of  
9 restrictive custodial treatment under this subsection:

10 → **SECTION 373.** 938.34 (4n) (intro.) and (b) of the statutes are amended to read:

11 938.34 (4n) AFTERCARE SUPERVISION. (intro.) Subject to any arrangement  
12 between the department and a county department regarding the provision of  
13 aftercare supervision for juveniles who have been released from a secured juvenile  
14 correctional facility, ~~a secured child caring institution~~, or a secured group home  
15 residential care center for children and youth, designate one of the following to  
16 provide aftercare supervision for the juvenile following the juvenile's release from  
17 the secured juvenile correctional facility, ~~secured child caring institution~~, or secured  
18 group home residential care center for children and youth:

19 (b) The county department of the county of the court that placed the juvenile  
20 in the secured juvenile correctional facility, ~~secured child caring institution~~ or  
21 secured group home residential care center for children and youth.

22 **SECTION 374.** 938.34 (5) (a), (am) and (c) of the statutes are amended to read:

23 938.34 (5) RESTITUTION. (a) Subject to par. (c), if the juvenile is found to have  
24 committed a delinquent act ~~which has~~ that resulted in damage to the property of  
25 another, or actual physical injury to another excluding pain and suffering, order the



1 juvenile to repair the damage to property or to make reasonable restitution for the  
2 damage or injury, either in the form of cash payments or, if the victim agrees, the  
3 performance of services for the victim, or both, if the court, after taking into  
4 consideration the well-being and needs of the victim, considers it beneficial to the  
5 well-being and behavior of the juvenile. ~~Any such~~ The order shall include a finding  
6 that the juvenile alone is financially able to pay or physically able to perform the  
7 services, may allow up to the date of the expiration of the order for the payment or  
8 for the completion of the services, and may include a schedule for the performance  
9 and completion of the services. ~~Objection by~~ If the juvenile objects to the amount of  
10 damages claimed ~~shall entitle~~, the juvenile is entitled to a hearing on the question  
11 of damages before the amount of restitution is ordered. Any recovery under this  
12 paragraph shall be reduced by the amount recovered as restitution under s. 938.45  
13 (1r) (a).

14 (am) Subject to par. (c), order a juvenile who owes restitution under par. (a) and  
15 who is receiving income while placed in a secured juvenile correctional facility,  
16 residential ~~treatment~~ care center for children and youth, or other out-of-home  
17 placement to contribute a stated specified percentage of that income towards that  
18 restitution.

19 (c) Under this subsection, a court may ~~not~~ order a juvenile who is under 14 years  
20 of age to make ~~not~~ <sup>PLAINSPACE</sup> more than \$250 in restitution or to perform not more than 40 total  
21 hours of services for the victim as total restitution under the order.

NOTE: Clarifies, in s. 938.34 (5) (c), <sup>(5r) (c)</sup> that a juvenile under 14 years of age may not  
make more than \$250 in restitution or perform more than 40 hours of services for each  
dispositional order.

22 **SECTION 375.** 938.34 (5g) (b) of the statutes is amended to read:

1           938.34 (5g) (b) The supervised work program or other community service work  
2 shall be of a constructive nature and designed to promote the rehabilitation of the  
3 juvenile, shall be appropriate to the age level and physical ability of the juvenile, and  
4 shall be combined with counseling from a member of the staff of the county  
5 department, community agency, public agency, or nonprofit charitable organization  
6 or other qualified person. The supervised work program or other community service  
7 work may not conflict with the juvenile's regular attendance at school. Subject to par.  
8 (d), the amount of work required shall be reasonably related to the seriousness of the  
9 juvenile's offense.

10           **SECTION 376.** 938.34 (6) (am) 1. and 2. of the statutes are amended to read:

11           938.34 (6) (am) 1. ~~That the~~ The juvenile has an alcohol or other drug abuse  
12 impairment.

13           2. ~~That the~~ The juvenile is a proper subject for treatment and is in need of  
14 inpatient treatment because appropriate treatment is not available on an outpatient  
15 basis.

16           **SECTION 377.** 938.34 (6r) (a) and (b) and (6s) of the statutes are amended to  
17 read:

18           938.34 (6r) ALCOHOL OR DRUG TREATMENT OR EDUCATION. (a) If the report  
19 prepared under s. 938.33 (1) recommends that the juvenile is in need of treatment  
20 for the use or abuse of alcohol beverages, controlled substances, or controlled  
21 substance analogs and its medical, personal, family, or social effects, ~~the court may~~  
22 order the juvenile to enter an outpatient alcohol and other drug abuse treatment  
23 program at an approved treatment facility. The approved treatment facility shall,  
24 under the terms of a service agreement between the county and the approved  
25 treatment facility, or with the written informed consent of the juvenile or the

1 juvenile's parent if the juvenile has not attained the age of 12, report to the agency  
2 primarily responsible for providing services to the juvenile as to whether the juvenile  
3 is cooperating with the treatment and whether the treatment appears to be effective.

4 (b) If the report prepared under s. 938.33 (1) recommends that the juvenile is  
5 in need of education relating to the use of alcohol beverages, controlled substances,  
6 or controlled substance analogs, ~~the court may~~ order the juvenile to participate in an  
7 alcohol or other drug abuse education program approved by the court. The person  
8 or agency that provides the education program shall, under the terms of a service  
9 agreement between the county and the education program, or with the written  
10 informed consent of the juvenile or the juvenile's parent if the juvenile has not  
11 attained the age of 12, report to the agency primarily responsible for providing  
12 services to the juvenile about the juvenile's attendance at the program.

13 (6s) DRUG TESTING. If the report under s. 938.33 (1) ~~indicate~~ indicates that the  
14 juvenile is in need of treatment for the use or abuse of controlled substances or  
15 controlled substance analogs, order the juvenile to submit to drug testing under a  
16 drug testing program that the department shall promulgate by rule.

17 SECTION 378. 938.34 (7d) (a) 2., 3. and 4. of the statutes are amended to read:

18 938.34 (7d) (a) 2. ~~Pursuant to~~ Under a contractual agreement with the school  
19 district in which the juvenile resides, a nonresidential educational program provided  
20 by a licensed child welfare agency.

21 3. ~~Pursuant to~~ Under a contractual agreement with the school district in which  
22 the juvenile resides, an educational program provided by a private, nonprofit,  
23 nonsectarian agency that is located in the school district in which the juvenile resides  
24 and that complies with 42 USC 2000d.

1           4. Pursuant to Under a contractual agreement with the school district in which  
2           the juvenile resides, an educational program provided by a technical college district  
3           located in the school district in which the juvenile resides.

4           **SECTION 379.** 938.34 (8) of the statutes is amended to read:

5           938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that  
6           this disposition is in the best interest of the juvenile and ~~in aid of the juvenile's~~  
7           rehabilitation. The maximum forfeiture that the court may impose under this  
8           ~~subsection for a violation by a juvenile~~ <sup>PLAIN</sup> is the maximum amount of the fine that may  
9           be imposed on an adult for committing that violation or, if the violation is applicable  
10          only to a person under 18 years of age, \$100. ~~Any such~~ The order shall include a  
11          finding that the juvenile alone is financially able to pay the forfeiture and shall allow  
12          up to 12 months for payment. If the juvenile fails to pay the forfeiture, the court may  
13          vacate the forfeiture and order other alternatives under this section, ~~in accordance~~  
14          ~~with the conditions specified in this chapter~~; or the court may suspend any license  
15          issued under ch. 29 for not less than 30 days nor more than 5 years, or suspend the  
16          juvenile's operating privilege, as defined in s. 340.01 (40), for not more than 2 years.  
17          If the court suspends any license under this subsection, the clerk of the court shall  
18          immediately take possession of the suspended license and forward it to the  
19          department which issued the license, together with a notice of suspension clearly  
20          stating that the suspension is for failure to pay a forfeiture imposed by the court. If  
21          the forfeiture is paid during the period of suspension, the suspension shall be reduced  
22          to the time period which has already elapsed and the court shall immediately notify  
23          the department which shall then return the license to the juvenile. Any recovery  
24          under this subsection shall be reduced by the amount recovered as a forfeiture for  
25          the same act under s. 938.45 (1r) (b).

1           **SECTION 380.** 938.34 (8d) (c) and (d) of the statutes are amended to read:

2           938.34 (8d) (c) If a juvenile placed in a ~~secured juvenile~~ correctional facility or  
3           a ~~secured child caring institution~~ residential care center for children and youth fails  
4           to pay the surcharge under par. (a), the department shall assess and collect the  
5           amount owed from the juvenile's wages or other moneys. ~~If a juvenile placed in a~~  
6           ~~secured group home fails to pay the surcharge under par. (a), the county department~~  
7           ~~shall assess and collect the amount owed from the juvenile's wages or other moneys.~~  
8           Any amount collected shall be transmitted to the secretary of administration.

NOTE: Delete the second sentence in s. 938.34 (8d) (c) to reflect the deletion of  
references to secured group homes under the ~~draft~~. See the note to s. 938.02 (15p) in this  
draft.

9           (d) If the juvenile fails to pay the surcharge ~~under par. (a)~~, the court may vacate  
10          the surcharge and order other alternatives under this section, in accordance with the  
11          conditions specified in this chapter; or the court may suspend any license issued  
12          under ch. 29 for not less than 30 days nor more than 5 years, or suspend the juvenile's  
13          operating privilege, as defined in s. 340.01 (40), for not less than 30 days nor more  
14          than 5 years. If the court suspends any license under this subsection, the clerk of the  
15          court shall immediately take possession of the suspended license and forward it to  
16          the department which issued the license, together with a notice of suspension clearly  
17          stating that the suspension is for failure to pay a surcharge imposed by the court.  
18          If the surcharge is paid during the period of suspension, the suspension shall be  
19          reduced to the time period which has already elapsed and the court shall  
20          immediately notify the department which shall then return the license to the  
21          juvenile.

22          **SECTION 381.** 938.34 (13r), (13t), (14d) and (14q) of the statutes are amended  
23          to read:

PLAIN

1 938.34 (13r) VIOLENT VIOLATION IN A SCHOOL ZONE. (a) If the juvenile is  
2 adjudicated delinquent ~~under~~ for a violation of a violent crime law specified in ~~under~~  
3 s. 939.632 (1) (e) in a school zone, as defined in s. 939.632 (1) (d), the court may require  
4 that the juvenile participate for 100 hours in a supervised work program under sub.  
5 (5g) or perform 100 hours of other community service work.

6 (b) The court ~~shall~~ may not impose the requirement under par. (a) if the court  
7 determines that the ~~person~~ juvenile would pose a threat to public safety while  
8 completing the requirement.

9 (13t) GRAFFITI VIOLATION. If the juvenile is adjudicated delinquent ~~under~~ for a  
10 violation of s. 943.017, the court may require that the juvenile participate for not less  
11 than 10 hours nor more than 100 hours in a supervised work program under sub. (5g)  
12 or perform not less than 10 hours nor more than 100 hours of other community  
13 service work, except that if the juvenile has not attained 14 years of age the  
14 maximum number of hours is 40.

15 (14d) HATE VIOLATIONS. In addition to any other disposition imposed under this  
16 section, if the juvenile is found to have committed a violation under circumstances  
17 in which, if committed by an adult, the adult would be subject to a penalty  
18 enhancement under s. 939.645, the court may order any one or more of the following  
19 dispositions:

20 (a) ~~That the juvenile make restitution~~ Restitution under sub. (5).

21 (b) ~~That the juvenile participate~~ Participation in a supervised work program  
22 or other community service work under sub. (5g) or (5m).

23 (c) ~~That the juvenile participate~~ Participation in a victim-offender mediation  
24 program under sub. (5r) or ~~otherwise~~ apologize to the victim.

an-  
other  
means of  
apologizing

1 (d) ~~That the juvenile participate~~ Participation in an educational program  
2 under sub. (7n) that includes sensitivity training or training in diversity.

3 (14q) CERTAIN BOMB SCARES AND FIREARM VIOLATIONS. In addition to any other  
4 disposition imposed under this section, if the juvenile is found to have violated s.  
5 947.015 and the property involved is owned or leased by the state or any political  
6 subdivision of the state, or if the property involved is a school premises, as defined  
7 in s. 948.61 (1) (c), or if the juvenile is found to have violated s. 941.235 or 948.605,  
8 ~~the court may~~ immediately suspend the juvenile's operating privilege, as defined in  
9 s. 340.01 (40), for 2 years. The court shall immediately forward to the department  
10 of transportation the notice of suspension, ~~clearly~~ stating that the suspension is for  
11 a violation of s. 947.015 involving school premises, or for a violation of s. 941.235 or  
12 948.605. If otherwise eligible, the juvenile is eligible for an occupational license  
13 under s. 343.10.

14 SECTION 382. 938.34 (14r) (a) of the statutes is amended to read:

15 938.34 (14r) VIOLATIONS RELATING TO CONTROLLED SUBSTANCES OR CONTROLLED  
16 SUBSTANCE ANALOGS. (a) In addition to any other dispositions imposed under this  
17 section, if the juvenile is found to have violated ch. 961, the court shall suspend the  
18 juvenile's operating privilege, as defined in s. 340.01 (40), for not less than 6 months  
19 nor more than 5 years. The court shall immediately take possession of any  
20 suspended license and forward it to the department of transportation together with  
21 the notice of suspension ~~clearly~~ stating that the suspension or revocation is for a  
22 violation of ch. 961.

23 SECTION 383. 938.34 (15) (b) of the statutes is amended to read:

1           938.34 (15) (b) The department of justice shall promulgate rules providing  
2           procedures for juveniles to provide specimens under par. (a) and for the  
3           transportation of ~~these~~ the specimens to the state crime laboratories under s. 165.77.

4           **SECTION 384.** 938.34 (16) of the statutes is amended to read:

5           938.34 (16) STAY OF ORDER. After ordering a disposition under this section,  
6           enter an additional order staying the execution of the dispositional order contingent  
7           on the juvenile's satisfactory compliance with any conditions that are specified in the  
8           dispositional order and explained to the juvenile by the court. If the juvenile violates  
9           a condition of his or her dispositional order, the agency supervising the juvenile or  
10          the district attorney or corporation counsel in the county in which the dispositional  
11          order was entered shall notify the court and the court shall hold a hearing within 30  
12          days after the filing of the notice to determine whether the original dispositional  
13          order should be imposed, unless the juvenile signs a written waiver of any objections  
14          to imposing the original dispositional order, and the court approves the waiver. If a (c)  
15          hearing is held, the court shall notify the parent, juvenile, guardian, and legal  
16          custodian, all parties bound by the original dispositional order, and the district  
17          attorney or corporation counsel in the county in which the dispositional order was  
18          entered of the time and place of the hearing at least 3 days before the hearing. If all  
19          parties consent, the court may proceed immediately with the hearing. The court may  
20          not impose the original dispositional order unless the court finds by a preponderance  
21          of the evidence that the juvenile has violated a condition of his or her dispositional  
22          order.

NOTE: In s. 938.34 (16), stats, the bill adds the district attorney and corporation counsel as  
persons who may notify the court of a violation of the dispositional order when the original  
dispositional order is stayed.

23          **SECTION 385.** 938.342 (1d) (intro.) of the statutes is amended to read:



1           938.342 (1d) TRUANCY ORDINANCE VIOLATIONS. (intro.) If the court finds that the  
2 person violated a municipal ordinance enacted under s. 118.163 (1m), the court shall  
3 enter an order making one or more of the following dispositions if such a the  
4 disposition is authorized by the municipal ordinance:

5           **SECTION 386.** 938.342 (1g) (intro.) and (b) of the statutes are amended to read:

6           938.342 (1g) HABITUAL TRUANCY ORDINANCE VIOLATIONS. (intro.) If the court  
7 finds that a person under 18 years of age violated a municipal ordinance enacted  
8 under s. 118.163 (2), the court shall enter an order making one or more of the  
9 following dispositions if such a the disposition is authorized by the municipal  
10 ordinance:

11           (b) Order the person to participate in counseling or a supervised work program  
12 or other community service work as described in s. 938.34 (5g). The costs of any such  
13 counseling, supervised work program, or other community service work may be  
14 assessed against the person, the parents or guardian of the person, or both. Any  
15 county department, community agency, public agency, or nonprofit charitable  
16 organization administering a supervised work program or other community service  
17 work to which a person is assigned pursuant to under an order under this paragraph  
18 acting in good faith has immunity from any civil liability in excess of \$25,000 for any  
19 act or omission by or impacting on that person.

20           **SECTION 387.** 938.342 (1g) (f) 1. and 2. of the statutes are amended to read:

21           938.342 (1g) (f) 1. The chief judge of the judicial administrative district has  
22 approved a teen court program established in the person's county of residence and  
23 the judge court determines that participation in the teen court program will likely  
24 benefit the person and the community.

1           2. The person admits or pleads no contest in open court, with in the presence  
2       of the person's parent, guardian, or legal custodian present, to the allegations that  
3       the person violated the municipal ordinance enacted under s. 118.163 (2).

4           **SECTION 388.** 938.342 (1m), (1r) and (2) of the statutes are amended to read:

5           938.342 (1m) ORDERS APPLICABLE TO PARENTS, GUARDIANS, AND LEGAL CUSTODIANS.

6       (a) If the court finds that the person violated a municipal ordinance enacted under  
7       s. 118.163 (2), the court may, in addition to or instead of the dispositions under sub.  
8       (1g), order the person's parent, guardian, or legal custodian to participate in  
9       counseling at the parent's, guardian's, or legal custodian's own expense or to attend  
10      school with the person, or both, if ~~such a~~ the disposition is authorized by the  
11      municipal ordinance.

12       (am) If the court finds that the person violated a municipal ordinance enacted  
13      under s. 118.163 (1m), the court may, as part of the disposition under sub. (1d), order  
14      the person's parent or guardian to pay all or part of a forfeiture plus costs assessed  
15      under sub. (1d) (b). If the court finds that the person violated a municipal ordinance  
16      enacted under s. 118.163 (2), the court may, as part of the ~~dispositions~~ disposition  
17      under sub. (1g), order the person's parent or guardian to pay all or part of the costs  
18      of any program ordered under sub. (1g) (b) or to pay all or part of a forfeiture plus  
19      costs assessed under sub. (1g) (h).

20       (b) No order to any parent, guardian, or legal custodian under par. (a) or (am)  
21      may be entered until the parent, guardian, or legal custodian is given an opportunity  
22      to be heard on the contemplated order of the court. The court shall cause notice of  
23      the time, place, and purpose of the hearing to be served on the parent, guardian, or  
24      legal custodian personally at least 10 days before the date of the hearing. The  
25      procedure in these cases shall, as far as practicable, be the same as in other cases to

1 the court. At the hearing, the parent, guardian, or legal custodian may be  
2 represented by counsel and may produce and cross-examine witnesses. Any A  
3 parent, guardian, or legal custodian who fails to comply with any order issued by a  
4 court under par. (a) or (am) may be proceeded against for contempt of court.

5 (1r) SCHOOL ATTENDANCE CONDITION. If school attendance ~~under sub. (1d) (a) or~~  
6 ~~(1g) (g)~~ is a condition of an order under sub. (1d) or (1g), the order shall specify what  
7 constitutes a violation of the condition and shall direct the school board of the school  
8 district, or the governing body of the private school, in which the person is enrolled  
9 to notify the court or, if the person is under the supervision of an agency under sub.  
10 (1g) (j), the agency that is responsible for supervising the person, within 5 days after  
11 any violation of the condition by the person.

12 (2) SCHOOL DROPOUT ORDINANCE VIOLATION. (a) Except ~~as provided in~~ <sup>plan</sup> under par.  
13 (b), if the court finds that a person is subject to a municipal ordinance enacted under  
14 s. 118.163 (2m) (a), the court shall enter an order suspending the person's operating  
15 privilege, as defined in s. 340.01 (40), until the person ~~reaches the age of~~ attains 18  
16 years of age.

17 (b) The court may ~~enter an order making~~ any of the dispositions specified under  
18 sub. (1g) if the court finds that suspension of the person's operating privilege, as  
19 defined in s. 340.01 (40), until the person ~~reaches the age of~~ attains 18 years of age  
20 would cause an undue hardship to the person or the person's family.

21 **SECTION 389.** 938.343 (1) (title) of the statutes is created to read:

22 938.343 (1) (title) COUNSELING.

23 **SECTION 390.** 938.343 (2) of the statutes is amended to read:

24 938.343 (2) FORFEITURE. Impose a forfeiture not to exceed the maximum  
25 forfeiture that may be imposed on an adult for committing that violation or, if the

1 violation is only applicable to a person under 18 years of age, \$50. ~~Any such~~ The order  
2 shall include a finding that the juvenile alone is financially able to pay and shall  
3 allow up to 12 months for the payment. If a juvenile fails to pay the forfeiture, the  
4 court may suspend any license issued under ch. 29 or suspend the juvenile's  
5 operating privilege, as defined in s. 340.01 (40), for not more than 2 years. The court  
6 shall immediately take possession of the suspended license and forward it to the  
7 department which issued the license, together with the notice of suspension ~~clearly~~  
8 stating that the suspension is for failure to pay a forfeiture imposed by the court. If  
9 the forfeiture is paid during the period of suspension, the court shall immediately  
10 notify the department, which ~~will thereupon~~ shall return the license to the person.  
11 Any recovery under this subsection shall be reduced by the amount recovered as a  
12 forfeiture for the same act under s. 938.45 (1r) (b).

13 **SECTION 391.** 938.343 (2m) (title) of the statutes is created to read:

14 938.343 (2m) (title) TEEN COURT PROGRAM.

15 **SECTION 392.** 938.343 (2m) (a) of the statutes is amended to read:

16 938.343 (2m) (a) The chief judge of the judicial administrative district has  
17 approved a teen court program established in the juvenile's county of residence and  
18 the judge court determines that participation in the teen court program will likely  
19 benefit the juvenile and the community.

20 **SECTION 393.** 938.343 (2m) (b) of the statutes is amended to read:

21 938.343 (2m) (b) The juvenile admits or pleads no contest in open court, ~~with~~  
22 in the presence of the juvenile's parent, guardian or legal custodian ~~present~~, to the  
23 allegations that the juvenile violated the civil law or ordinance.

24 **SECTION 394.** 938.343 (3) (title) and (3m) (title) of the statutes are created to  
25 read:

1 938.343 (3) (title) COMMUNITY SERVICE WORK PROGRAM.

2 (3m) (title) YOUTH REPORT CENTER.

3 SECTION 395. 938.343 (4), (5), (6) and (7) of the statutes are amended to read:

4 938.343 (4) RESTITUTION. If the violation has resulted in damage to the  
5 property of another, or in actual physical injury to another excluding pain and  
6 suffering, ~~the court may order the juvenile to make repairs of the damage to property~~  
7 or reasonable restitution for the damage or injury, either in the form of cash  
8 payments or, if the victim agrees, the performance of services for the victim, or both,  
9 if the court, after taking into consideration the well-being and needs of the victim,  
10 considers it beneficial to the well-being and behavior of the juvenile. ~~Any such~~ An  
11 order requiring payment for repairs or restitution shall include a finding that the  
12 juvenile alone is financially able to pay or physically able to perform the services,  
13 may allow up to the date of the expiration of the order for the payment or for the  
14 completion of the services, and may include a schedule for the performance and  
15 completion of the services. ~~Objection by~~ If the juvenile objects to the amount of  
16 damages claimed ~~shall entitle~~, the juvenile is entitled to a hearing on the question  
17 of damages before the amount of restitution is ordered. Any recovery under this  
18 subsection shall be reduced by the amount recovered as restitution for the same act  
19 under s. 938.45 (1r) (a).

20 (5) BOATING SAFETY COURSE. If the violation is related to unsafe use of a boat,  
21 order the juvenile to attend a boating safety course under s. 30.74 (1). If the juvenile  
22 has a valid boating safety certificate at the time that the court imposes sentence ~~the~~  
23 disposition, the court shall permanently revoke the certificate and order the person  
24 to obtain a another boating safety certificate ~~of satisfactory completion of a safety~~  
25 course under s. 30.74 (1).

1           (6) HUNTING, TRAPPING, OR FISHING LICENSE SUSPENSION. If the violation is of ch.  
2   29, ~~suspension of~~ suspend the license or licenses of the juvenile issued under that  
3   chapter for not more than one year or until the juvenile is 18 years of age, whichever  
4   occurs first.

5           (7) HUNTER EDUCATION PROGRAM. If the violation is related to the unsafe use of  
6   firearms, order the juvenile to attend ~~the course under~~ the hunter education program  
7   course under s. 29.591.

8           **SECTION 396.** 938.343 (8) of the statutes is amended to read:

9           938.343 (8) SNOWMOBILE SAFETY COURSE. If the violation is one under ch. 350  
10   concerning the use of snowmobiles, order the juvenile to attend a snowmobile safety  
11   course under s. 350.055.

12          **SECTION 397.** 938.343 (9) of the statutes is amended to read:

13          938.343 (9) ALL-TERRAIN VEHICLE SAFETY COURSE. If the violation is one under  
14   s. 23.33 or under an ordinance enacted in conformity with s. 23.33 concerning the use  
15   of all-terrain vehicles, order the juvenile to ~~enroll and participate in~~ attend an  
16   all-terrain vehicle safety course.

17          **SECTION 398.** 938.343 (10) (title) of the statutes is created to read:

18          938.343 (10) (title) ALCOHOL OR DRUG ASSESSMENT TREATMENT, OR EDUCATION.

19          **SECTION 399.** 938.344 (2) (title) of the statutes is created to read:

20          938.344 (2) (title) UNDERAGE ALCOHOL POSSESSION OR POSSESSION ON SCHOOL  
21   GROUNDS.

22          **SECTION 400.** 938.344 (2) (a), (b) and (c) of the statutes are amended to read:

23          938.344 (2) (a) For a first violation, a forfeiture of not more than \$50,  
24   suspension of the juvenile's operating privilege as provided under s. 343.30 (6) (b) 1.,

1 or the juvenile's participation in a supervised work program or other community  
2 service work under s. 938.34 (5g).

3 (b) For a violation committed within 12 months of one previous violation, a  
4 forfeiture of not more than \$100 or the juvenile's participation in a supervised work  
5 program or other community service work under s. 938.34 (5g). In addition, the  
6 juvenile's operating privilege may be suspended as provided under s. 343.30 (6) (b)  
7 2., except that if the violation of s. 125.07 (4) (b) involved a motor vehicle the juvenile's  
8 operating privilege shall be suspended as provided under s. 343.30 (6) (b) 2.

9 (c) For a violation committed within 12 months of 2 or more previous violations,  
10 a forfeiture of not more than \$500 or the juvenile's participation in a supervised work  
11 program or other community service work under s. 938.34 (5g). In addition, the  
12 juvenile's operating privilege may be suspended as provided under s. 343.30 (6) (b)  
13 3., except that if the violation of s. 125.07 (4) (b) involved a motor vehicle the juvenile's  
14 operating privilege shall be suspended as provided under s. 343.30 (6) (b) 3.

15 **SECTION 401.** 938.344 (2b) (title) of the statutes is created to read:

16 938.344 (2b) (title) UNDERAGE PURCHASE OF ALCOHOL OR ENTERING LICENSED  
17 PREMISES.

18 **SECTION 402.** 938.344 (2b) (a), (b) and (c) of the statutes are amended to read:

19 938.344 (2b) (a) For a first violation, a forfeiture of not less than \$250 nor more  
20 than \$500, suspension of the juvenile's operating privilege as provided under s.  
21 343.30 (6) (b) 1., or the juvenile's participation in a supervised work program or other  
22 community service work under s. 938.34 (5g).

23 (b) For a violation committed within 12 months of one previous violation, a  
24 forfeiture of not less than \$300 nor more than \$500 or the juvenile's participation in  
25 a supervised work program or other community service work under s. 938.34 (5g).

1 In addition, the juvenile's operating privilege may be suspended as provided under  
2 s. 343.30 (6) (b) 2., except that if the violation involved a motor vehicle the juvenile's  
3 operating privilege shall be suspended as provided under s. 343.30 (6) (b) 2.

4 (c) For a violation committed within 12 months of 2 or more previous violations,  
5 a forfeiture of \$500 or the juvenile's participation in a supervised work program or  
6 other community service work under s. 938.34 (5g). In addition, the juvenile's  
7 operating privilege may be suspended as provided under s. 343.30 (6) (b) 3., except  
8 that if the violation involved a motor vehicle the juvenile's operating privilege shall  
9 be suspended as provided under s. 343.30 (6) (b) 3.

10 **SECTION 403.** 938.344 (2d) (title) of the statutes is created to read:

11 938.344 (2d) (title) FALSE PROOF OF AGE.

12 **SECTION 404.** 938.344 (2d) (a), (b) and (c) of the statutes are amended to read:

13 938.344 (2d) (a) For a first violation, a forfeiture of not less than \$100 nor more  
14 than \$500, suspension of the juvenile's operating privilege as provided under s.  
15 343.30 (6) (b) 1., or the juvenile's participation in a supervised work program or other  
16 community service work under s. 938.34 (5g).

17 (b) For a violation committed within 12 months of a previous violation, a  
18 forfeiture of not less than \$300 nor more than \$500, suspension of the juvenile's  
19 operating privilege as provided under s. 343.30 (6) (b) 2., or the juvenile's  
20 participation in a supervised work program or other community service work under  
21 s. 938.34 (5g).

22 (c) For a violation committed within 12 months of 2 or more previous violations,  
23 a forfeiture of \$500, suspension of the juvenile's operating privilege as provided  
24 under s. 343.30 (6) (b) 3., or the juvenile's participation in a supervised work program  
25 or other community service work under s. 938.34 (5g).